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) Case No. 2:10-cv-1228-PMP-GWF
) **Consolidated with:**
) Case No. 2:10-cv-1983-PMP-GWF

ORDER

Defendants.

Before the Court for consideration are the Motion for Summary Judgment as to Punitive Damages by Defendants Tina Hayes, and Anthony Keily, Sunrise Hospital and Medical Center, LLC, and Marcelino Tacadena (Doc. #105) and Defendant Tien Chang Wang, M.D. and Freemont Emergency Services' Motion for Summary Judgment on Punitive Damages (Doc. #108) filed November 4, 2011. The Motions are fully briefed, and the case as to Defendant Freemont Emergency Services has been separately resolved by dismissal of Defendants Freemont Emergency Medical Center and Tien Chang Wang, M.D. (Docs. #113 & #114) rendering their Motion for Summary Judgment (Doc. #108) moot. The issue relating to Plaintiff's punitive damages claim as to Defendants Sunrise Hospital and Medical Center, LLC, Tina Hayes, Anthony Keily, and Marcelino Tacadena, however, remain at issue.

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1 This case arises from the tragic death of Plaintiff's decedent, Oscar Aniceto
2 Mejia-Estrada who committed suicide while in the care of Sunrise Hospital and
3 Medical Center approximately twelve hours after his arrival on July 27, 2008. The
4 circumstances surrounding the care and treatment provided to Mr. Mejia-
5
6 Estrada during his twelve hour stay at Sunrise Hospital are fully briefed by the
7 Parties in numerous filings in these consolidated proceedings. Based upon a review
8 of the undisputed facts in this case, the Court finds that no genuine issue of material
9 fact remains with respect to Moving Defendants entitlement to judgment on
10 Plaintiffs' claim for punitive damages. The record before the Court does not support
11 a finding by clear and convincing evidence or by a preponderance of the evidence
12 that Defendants were guilty of oppression, fraud, or malice, express or implied, with
13 respect to the care and treatment provided to Mr. Mejia-Estrada during his stay at
14 Sunrise Hospital. Neither does the record support a finding of conscious disregard or
15 a willful and deliberate failure to act on the part of Moving Defendants which would
16 arguably support an award of punitive damages in this case.

17 **IT IS THEREFORE ORDERED** that Defendants' Motion for Partial
18 Summary Judgment as to Punitive Damages (Doc. #105) and Motion for Summary
19 Judgment (Doc. #108) are **GRANTED**.

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21 DATED: December 22, 2011.

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24 PHILIP M. PRO
25 United States District Judge
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